

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JANETTE C. GATES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NO. 3:12-0208
	)	Magistrate Judge Bryant
METROPOLITAN GOVERNMENT OF	)	<b>Jury Demand</b>
NASHVILLE AND DAVIDSON COUNTY,	)	
et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

Defendant Lynn Greer, Jr., has filed his motion dismiss the amended complaint for failure to state a claim upon which relief can be granted, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (Docket Entry No. 28). The undersigned Magistrate Judge issued a report and recommendation recommending that Defendant Greer's motion to dismiss be granted in part<sup>1</sup>, but denied in part (Docket Entry No. 43). Defendant Greer filed an objection to this report and recommendation (Docket Entry No. 45), and Plaintiff filed a response (Docket Entry No. 46).

Before issuing a ruling on the pending report and recommendation, the District Judge, upon consent of the parties, referred this case to the undersigned Magistrate Judge to conduct all further proceedings, including the entry of a final judgment

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<sup>1</sup>The report and recommendation also addressed a motion to dismiss filed on behalf of then defendant Albert Tieche. The claims against defendant Tieche have previously been dismissed, so this memorandum does not discuss those claims.

(Docket Entry No. 87).

Following a review of the report and recommendation, the objection of Defendant Greer and response of the Plaintiff, and the entire record in this case, the undersigned finds that, for the reasons stated in the report and recommendation, Defendant Greer's motion to dismiss should be **GRANTED** in part and **DENIED** in part.

Accordingly, Defendant Greer's motion to dismiss is **GRANTED** as to the claims asserting his individual liability under Tenn. Code Ann. § 4-21-301(1) and Title VII, 42 U.S.C. § 2000e-2, including the aiding and abetting claim under Title VII and these claims are **DISMISSED**. Defendant Greer's motion to dismiss is **DENIED** as to the aiding and abetting claim under Tenn. Code Ann. § 4-21-301(2).

The **Clerk** is directed to terminate the Report and Recommendation (Docket Entry No. 43) as a pending matter.

It is so **ORDERED**.

s/ John S. Bryant  
JOHN S. BRYANT  
United States Magistrate Judge